

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DOUGLAS J. BOLLEFER,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

CASE NO. C19-1856-BAT

**ORDER REVERSING AND
REMANDING FOR FURTHER
ADMINISTRATIVE PROCEEDINGS**

The parties agree that the ALJ harmfully erred and that his case should be reversed and remanded for further proceedings under sentence four of 42 U.S.C. § 405(g). Dkts. 51, 54. The parties further acknowledge that the Commissioner’s favorable determination that plaintiff was disabled as of May 16, 2016, will remain undisturbed. Dkt 51, at 1–2; Dkt. 54, at 1; *see, e.g., Brown v. Kijakazi*, __ F.4th __, 2021 WL 3852627, at *2 (9th Cir. Aug. 30, 2021) (“Given that only the claimant (or, perhaps, the claimant’s representative) can file an action under § 205(g), the relief requested in any such complaint will necessarily be limited to only those aspects of the case that are unfavorable to the claimant.”).

The Commissioner’s decision is **REVERSED** and this case is **REMANDED** for further administrative proceedings under sentence four of 42 U.S.C. § 405(g). On remand, the ALJ will offer plaintiff the opportunity for a new hearing and issue a new decision on the issue of

1 plaintiff's disability prior to May 16, 2016. The ALJ will further develop the record pertaining to
2 plaintiff's mental health treatment, including 2013 and 2014 mental health treatment notes that
3 plaintiff identified as missing during prior proceedings. *See* Dkt. 41, at 4 (referring to pre-2016
4 mental health treatment records never considered as well as documents erroneously specified in,
5 but omitted from, the record: (1) SeaMar Mental Health/Everett, WA; and (2) Providence
6 Intervention Center for Assault and Abuse); Dkt. 54, at 1 (referring to removal of April 9, 2014
7 evaluation). The ALJ will evaluate, consider, and exhibit the additional evidence, and re-evaluate
8 the medical evidence of record. In light of the expanded record, the ALJ will consult with a
9 psychological expert and reconsider whether plaintiff's conditions met or equaled a mental
10 listing prior to May 16, 2016. In the alternative, the ALJ will continue the sequential evaluation
11 process and, as needed, obtain supplemental vocational evidence.

12 DATED this 10th day of September, 2021.

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15 BRIAN A. TSUCHIDA
16 United States Magistrate Judge
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